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### **REMARKS**

This responds to the Office Action mailed on March 11, 2008.

Claims 1, 19, 37 and 55 are amended, claims 73-112 were previously are canceled; as a result, claims 1-72 are now pending in this application.

#### **Substitute Declaration**

A petition for filing by other than all the inventors under 37 CFR 1.47(a) is submitted with this response.

#### **§102 Rejection of the Claims**

Claims 1-3, 19-21, 37-39 and 55-57 were rejected under 35 U.S.C. § 102(c) for anticipation by Eytchison et al. (U.S. Publication No. 2003/0046437).

Amended independent claim 1 recites in part:

“transmitting data between dissimilar communication devices, wherein said dissimilar communication devices communicate through a common interface that operates in said dissimilar communication devices in accordance with aspects of said dissimilar communication devices that have been abstracted.”

(Emphasis added.)

Eytchinson teaches a content-centric network that includes a device abstraction layer (DAL) which communicates with each of the electronic devices using the device native communication protocols. The electronic devices communicate with the network and each other using a variety of protocols (i.e., HAVi, UPnP, XML, or others). The DAL encapsulates a variety of device and network protocols which enable the DAL to communicate with any device on the network regardless of the device communication protocol. The DAL presents a unified communication interface to a content abstraction program interface (CAPI) which enables the CAPI to communicate with the networked devices. Eytchinson then teaches a graphical user interface (GUI) that may be used with the CAPI to display content services available from the networked devices. (Figure 2, DAL 210, electronic devices 101-105, device native

communication protocols 201-206, CAPI 220; Abstract; Paragraphs 33-34) An example of the GUI taught by Eytchinson is a navigator interface illustrated in Figures 8A-8C.

Thus, Eytchinson teaches the DAL and its common communication interface to operate externally from the electronic devices. (Figures 2-5)

Applicants submit that this is different from the limitations as claimed in claim 1. More specifically, applicants submit that Eytchinson fails to teach “wherein said dissimilar communication devices communicate through a common interface that operates in said dissimilar communication devices in accordance with aspects of said dissimilar communication devices that have been abstracted.” (Emphasis added.)

### §103 Rejection of the Claims

Claims 1-5, 8, 17-18, 19-23, 26, 35-36, 37-41, 44, 53-54, 55-59, 62, and 71-72 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,853,637 to Norrell et al. (“Norrell”) in view of Eytchison.

The Examiner admits on page 6, first paragraph of the Office Action that Norrell does not teach the devices as abstracted. The Examiner, however, stated that Eytchison teaches the device abstraction concept. Applicants disagree that the combination of Norrell and Eytchison teaches the limitations as claimed in claim 1 and in the remaining pending claims.

Applicants submit that, even though Eytchison teaches having a device abstraction layer (DAL), Eytchison specifically teaches the DAL to be external to the electronic devices. (Abstract; Figures 2-5; Paragraphs 33-34) As such Eytchison teaches away from the limitations as claimed in claim 1 and in the remaining pending claims.

Applicants submit that the 103 rejection has been overcome, and independent claim 1 and its corresponding dependent claims are patentable over Norrell in view of Eytchison.

Applicants submit that, at least for the same reason, independent claims 19, 37 and 55 and their corresponding dependent claims are also patentable over Norrell in view of Eytchison.

Claims 6-7, 24-25, 42-43, and 60-61 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Norrell et al. (U.S. Patent No. 6,853,637) in view of Eytchison et al. (U.S. Publication No. 2003/0046437) as applied to claims 5, 23, 41, and 59 respectively above, and further in view of Simpson-Young et al. (U.S. Patent No. 7,191,236).

Claims 9-10, 27-28, 45-46 and 63-64 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Norrell et al. (U.S. Patent No. 6,853,637) as modified by Eytchison et al. (U.S. Publication No. 2003/0046437) as applied to claims 4, 22, 40, and 58 respectively above, and further in view of Wilkinson et al. (U.S. Publication No. 2002/0099867).

Claims 11-13, 29-31, 47-49 and 65-67 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Norrell et al. (U.S. Patent No. 6,853,637) as modified by Eytchison et al. (U.S. Publication No. 2003/0046437) as applied to claims 1, 19, 37, and 55 respectively above, and further in view of Li et al. (U.S. Patent No. 6,789,123).

Claims 14, 32, 50, and 68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Norrell et al. (U.S. Patent No. 6,853,637) as modified by Eytchison et al. (U.S. Publication No. 2003/0046437) as applied to claims 1, 19, 37, and 55 respectively above, and further in view of Chen et al. (U.S. Publication No. 2001/0030950).

Claims 15, 33, 51, and 69 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Norrell et al. (U.S. Patent No. 6,853,637) as modified by Eytchison et al. (U.S. Publication No. 2003/0046437) and Chen et al. (U.S. Publication No. 2001/0030950) as applied to claims 14, 32, 50, and 68 respectively above, and further in view of Prabhu et al. (U.S. Patent No. 6,298,069) and Ludtke et al. (U.S. Patent No. 6,233,611).

Claims 16, 34, 52, and 70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Norrell et al. (U.S. Patent No. 6,853,637) as modified by Eytchison et al. (U.S. Publication No. 2003/0046437) as applied to claims 16, 34, 52, and 70 respectively above, and further in view of Ludtke et al. (U.S. Patent No. 6,233,611).

Applicants submit that since each of the dependent claims listed above depend from one of the independent claims 1, 19, 37 or 55 which are patentable at least for the reason presented above with claim 1, these dependent claims are also patentable.

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**CONCLUSION**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney 408-278-4059 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

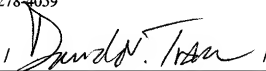
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Date July 10, 2008 By



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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 10<sup>th</sup> day of July, 2008.

Jonathan Ferguson

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Name

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Signature